

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 16, 1997

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

B104868 People v. Cooks (Not for Publication)

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B103098 People (Not for Publication)
v.
Flowers, et al.

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

October 16, 1997-Continued

DIVISION TWO (Continued)

B106757 People (Not for Publication)
v.
Robles

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B111035 People (Not for Publication)
v.
Lopez

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

[illegible]

The Court:

The judgment is affirmed.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

DIVISION THREE (Continued)

B106367 People (Not for Publication)
v.
Lynn

The sentence is vacated and the matter is remanded to the trial court for exercise of its discretion to impose concurrent or consecutive terms pursuant to Penal Code section 667, subdivision (c)(6), and for such further sentencing proceedings if and as required after the ruling on that issue. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B101247 Daniel M. Angelier (Certified for Publication)
v.
California Board of Pharmacy

The judgment appealed from is affirmed. Costs on appeal to the Board.

Croskey, Acting P.J.

We concur: Aldrich, J.
Aranda, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B105279 People v. Caceres & Acuna
B113275 Bobbie B. v. S.C.L.A. & D.C.F.S.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B102015 People
 v.
 Yardley

Merits:
Argued by John Staley for appellant and by Rama Maline for respondent.
Cause submitted.

B096424 People
 v.
 Prentice

Merits:
Argued by Jonathan B. Steiner for appellant and by Karen L Donald for
respondent. Cause submitted.

B109100 Sexton
 v.
 S.C.L.A.
 (Mullikin Medical Center, r.p.i.)

Merits:
Argued by James Allen for appellant and by Brian P. Barrow for
respondent. Cause submitted.

B105158 People
 v.
 Water

Merits:
Argued by Elizabeth A. Missakian for appellant and by Suzann E.
Papagoda for respondent. Cause submitted.

DIVISION FOUR (Continued)

B105652 UKRA
 v.
 Greenberg

Merits:
Argued by James S. Link for appellant and by Michael K. Collins for
respondents. Cause submitted.

B108006 Moss
 v.
 Garrity

Merits:
Argued by Rebecca R. Weinreich for respondent and by Karen K. Coffin
for respondent and waiver of oral argument by appellant. Cause submitted.

B108983 Ruvalcaba
 v.
 Pollak

Merits:
Argued by Victor E. Hobbs for appellant and by Patricia Egan Daehnke for
respondent. Cause submitted.

B112941 Chong
 v.
 S.C.L.A.
 (HBZ Finance Limited, r.p.i.)

Merits:
Argued by Raymond B. Kim for petitioner and by Jaleen N. Lunt for real
party in interest. Cause submitted.

DIVISION FOUR (Continued)

B098724 Michelson
 v.
 Hamada

Merits:

Argued by Richard Amerian for appellant and by Ian Herzog for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B107829 People v. Lozano
B106555 People v. Mancilla
B105556 Zimmerman v. Chameleon Entertainment Group
B109155 D.C.F.S. v. Michelle T.
B108764 D.C.F.S. v. Roy L.

Argument waived, cause submitted.

B105995 People
 v.
 Cunningham

Merits:

Argued by Allen Weinberg for appellant and by Brad D. Levenson for respondent. Cause submitted.

B095250 People
 v.
 Celestine

Merits:

Argued by William L. Heyman for appellant and by Anh Nguyen for respondent. Cause submitted.

DIVISION FOUR (Continued)

B104893 People
 v.
 Gutierrez

Merits:
Argued by William L. Heyman for appellant and by David Cook for
respondent. Cause submitted.

B103771 People
 v.
 Quinn

Merits:
Argued by Martin Kassman for appellant and by B. Kathleen Blanchard for
respondent. Cause submitted.

B106410 County of Los Angeles
 v.
 Pryor

Merits:
Argued by Albert D. Kelly for appellant and by Dale M. Fiola for
respondent. Cause submitted.

B107816 Pacific Ventures Associates
 v.
 Boyer Insurance

Merits:
Argued by Alan B. Nishimura for appellants and by Robert W. Keaster for
respondents. Cause submitted.

DIVISION FOUR (Continued)

B108113 Lucas
v.
20th Century Fox Films

Merits:
Argued by Nikki Tolt for appellant and by Gary D. Roberts for respondent.
Cause submitted.

B107661 Campbell
v.
Thornton

Merits:
Argued by Carmen Campbell for appellant and by Beverly Haines for respondent. Cause submitted.

B099811 State Street Bank
v.
Kabakow

Merits:
Argued by Howard Arthur Kabakow for appellant and by Steven M. Lawrence for appellant. Cause submitted.

Court adjourned.

DIVISION FIVE

B102452 People (Not for Publication)
v.
Neil Woodman

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

October 16, 1997-Continued

DIVISION FIVE (Continued)

B111636 People (Not for Publication)

v.
Timothy Rhone

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B109647 Pomona Police Officers' Association (Certified for Publication)

v.
City of Pomona, et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B114113 Northern Trust Bank of California (Certified for Publication)

v.
Charlene Pineda et al.
Barbara Armani Morgan

The appeal is dismissed. The Northern Trust Bank of California N.A., the trustee of the Elvira A. Reed Trust, and Barbara Armani Morgan shall each recover their costs on appeal jointly and severally from the objectors, Charlene and Donna Pineda.

Turner, P.J.

We concur: Grignon, J.
Jackson, J. (Assigned)

October 16, 1997-Continued

DIVISION FIVE (Continued)

B106098 People (Not for Publication)

V.

Durnell Lacy

The judgment is affirmed.

Armstrong, J.

I concur: Godoy Perez, J.

I concur: Turner, P.J. (Opinion)

DIVISION SIX

B109640 Dobesh, etc. (Not for Publication)

V.

Hummel et al.

The judgment is reversed with costs to appellant. The request for sanctions and attorney's fees is denied.

Yegan, J.

We concur: Stone, P.J.

Gilbert, J.

B110485 People (Not for Publication)

V.

James Daniel B.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.

Coffee, J.

October 16, 1997-Continued

DIVISION SIX (Continued)

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The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B107058 Tutt (Not for Publication)
v.
Tutt

The judgment (order awarding family support) is affirmed. Wife is awarded costs on appeal.

Yegan, J.

We concur: Stone, P.J.
Gilbert, J.

B105047 Aderman (Not for Publication)
v.
City of San Buenaventura

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (Continued)

B104979 Lahfdany
 v.
 Vincent
 Estate of Conrod

The trial court having granted the Petition for Probate of Lost Will and admitted that will to probate, the order of August 13, 1997, submitting the above entitled matter is vacated. The appeal is dismissed. Each party to bear their own costs on appeal.

B114691 Brenda W. (Not for Publication)
 v.
 S.C., S.L.O. County
 S.L.O. DSS

We deny the petition.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B106681 Marriage of Fiala (Not for Publication)

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

October 16, 1997-Continued

DIVISION SIX (Continued)

B104021 People (Not for Publication)
v.
Hewitt, et al

The judgment with respect to appellant Eddie Joe Hewitt is affirmed. The judgment with respect to appellant Lawanda Denise Hewitt is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B107921 People (Not for Publication)
v.
Hernandez

The trial court is directed to issue an amended abstract of judgment to reflect that a section 12022.7 enhancement was imposed on count III. The judgment in all other respects is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

B110876 Southern California Gas Company
v.
California Occupational Safety and Health Board
Division of Occupational Safety and Health, R.P.I.

Filed order modifying opinion. (No change in the judgment)

B104924 People
v.
Duncan

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B107210 Saed-Amjad (Not for Publication)

V.

Kim's Beverly Hills Martial Art Center

The judgment is reversed and the cause remanded with instructions the trial court is to vacate the summary judgment, enter a new order denying summary judgment to respondents, and for further proceedings consistent with this opinion. Appellant to recover his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Woods, J.

B105690 Nava (Not for Publication)

V.

Burbank Unified School District

The judgment is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Neal, J.

B109801 Maynard (Not for Publication)

V.

Home Savings of America

The judgment is affirmed. Respondent to recover costs on appeal.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

October 16, 1997-Continued

DIVISION SEVEN (Continued)

B102757 Atkinson (Not for Publication)

V.

Hartford Casualty Insurance Company

The judgment is reversed. Appellant shall receive her costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Woods, J.

B109871 Elam (Not for Publication)

V.

Franchise Tax Board

The judgment is affirmed. Respondent to receive costs on appeal.

Lillie, P.J.

We concur: Johnson, J.

Woods, J.

B106004 People (Not for Publication)

V.

Lopez

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.

Neal, J.

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B108368 People (Not for Publication)
v.
Greenfield

That portion of the judgment ordering a stay of execution of the five-year sentence imposed on prior serious felony conviction No. A902523 alleged pursuant to Penal Code section 667, subdivision (a), is vacated, and the judgment is modified to reflect in its place, imposition of one five-year enhancement on prior serious felony conviction (No. A902523) alleged pursuant to said section. As modified, the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.